

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.
--

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

In re the Marriage of RHONDA and PAUL  
RYAN.

RHONDA RYAN,

Appellant.

v.

PAUL RYAN,

Defendant.

A099457

(Napa County  
Super. Ct. No. 2613184)

Respondent Paul Ryan moves to dismiss this appeal as untimely and for sanctions. We grant the motion to dismiss and deny the request for sanctions.

The underlying order, which granted \$2,500 in sanctions against appellant Anne Holland, was filed on March 15, 2002 and personally served on March 18, 2002. Appellant filed a timely motion for reconsideration on March 28 and, on June 28, 2002, while the motion for reconsideration was pending, filed a notice of appeal from the underlying order. On July 16, 2002, the court denied appellant's motion for reconsideration. On August 15, 2002, appellant filed an amended notice of appeal from the order denying reconsideration.

**1. The appeal from the sanctions order is time barred.** Under rule 3(d) of the California Rules of Court, “If any party serves and files a valid motion to reconsider an appealable order under Code of Civil Procedure section 1008, subdivision (a), the time to appeal from that order is extended for all parties until the *earliest* of: [¶] (1) 30 days after the superior court clerk mails, or a party serves, an order denying the motion . . . ; [¶] (2) *90 days after the first motion to reconsider is filed*; or [¶] (3) 180 days after entry of the appealable order.” (Italics added.) Here, appellant filed her notice of appeal from the sanctions order 92 days after moving for reconsideration. Accordingly, the appeal is untimely and this court is without jurisdiction to consider it. (*Hollister Convalescent Hosp., Inc. v. Rico* (1975) 15 Cal.3d 660.)

**2. The order denying reconsideration is not appealable.** While the authorities are not unanimous (see *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140, fn. 5), cases from all five divisions of this court hold that orders denying reconsideration are not appealable. (*Crotty v. Trader* (1996) 50 Cal.App.4th 765, 768-769 (Division Two) (*Crotty*); *Alioto Fish Co. v. Alioto* (1994) 27 Cal.App.4th 1669, 1679 (Division One); *Hughey v. City of Hayward* (1994) 24 Cal.App.4th 206, 210 (Division Five); *Estate of Simoncini* (1991) 229 Cal.App.3d 881, 891 (Division Three); *In re Jeffrey P.* (1990) 218 Cal.App.3d 1548, 1550, fn. 2 (Division Four).) We agree. As explained in *Crotty, supra*: “ ‘The same policy reasons for determining that denials of motions to vacate judgments and motions for new trial are not appealable are applicable to denials of motions for reconsideration: namely, to eliminate the possibilities that (1) a nonappealable order or judgment would be made appealable, (2) a party would have two appeals from the same decision, and (3) a party would obtain an unwarranted extension of time to appeal. [Citations.]’ [Citation.]” (50 Cal.App.4th at p. 769.) Appellant provides no reason to depart from this well-founded precedent, and we decline to do so. No good cause appearing, we also deny appellant’s request to treat her attempted appeal from the reconsideration order as a writ petition.

**3. Sanctions.** While the appeal is untimely, it is not clear from respondent's moving papers that it was frivolous or undertaken solely for delay. Accordingly, respondent's request for monetary sanctions is denied.

---

Corrigan, J.

We concur:

---

McGuinness, P.J.

---

Parrilli, J.